

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

LUIS TORRES GARCIA,

Defendant.

Case No. [19-cr-00226-RS-1](#)**ORDER DENYING MOTION FOR  
SEVERANCE**

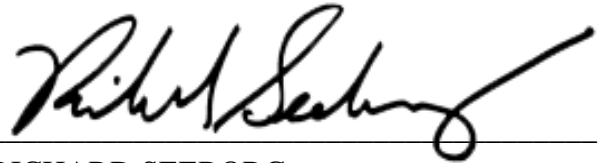
On the eve of trial, Defendant Torres Garcia formally moved to sever his case from that of his co-defendants, citing Rule 8(b) and 14 of the Federal Rules of Criminal Procedure. Previously, Torres Garcia filed a motion *in limine* to exclude all evidence of his whereabouts on February 7, 2019, relying on *Giglio* and *Brady* to argue that the government had failed to submit Sonoma County Sheriff's records. The records Torres Garcia sought related to a traffic stop conducted by Deputy Shawn Forghani at the behest of the federal law enforcement agents surveilling Torres Garcia on the day in question. In its opposition to Torres Garcia's motion, the government submitted that no state police report or body-worn camera of the traffic stop existed. After learning that these records did not exist, Torres Garcia verbally moved for a severance and continuance during the pretrial conference. Torres Garcia's motion *in limine* was ultimately denied.

Torres Garcia now formally moves for severance. The reasons for denial of his motion *in limine* still stand. The government has provided Torres Garcia with all the relevant evidence it has in its possession, and his failure to subpoena the Sonoma County Sheriff Department timely (for records that do not exist) does not warrant severing his case from that of his co-defendants. He

will have opportunity to cross-examine Deputy Forghani at trial and may inquire about the lost records then. Moreover, Torres Garcia has failed to establish that joinder of his trial with that of his co-defendants will prejudice him such that severance is necessary. Fed. R. Crim. Pro. 14. Therefore, his motion for severance is denied.

**IT IS SO ORDERED.**

Dated: February 5, 2024



RICHARD SEEBORG  
Chief United States District Judge

United States District Court  
Northern District of California